

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

JOSEPH ROBERTS

Plaintiff

v.

Case No. 18-CV-699

INTEGRATED MAIL INDUSTRIES, LTD.

Defendant

AFFIDAVIT OF PATRICIA KINGSLEY

STATE OF WISCONSIN)
)ss
MILWAUKEE COUNTY)

Patricia Kingsley being first duly sworn on oath, deposes and says as follows:

1. I am employed as the Human Resources Manager at Integrated Mail Industries, Ltd. (hereinafter "IMI").

2. IMI is a full-service lettershop and direct mail company that offers comprehensive print, mail and data management services.

3. IMI helps its clients through all the steps necessary to send fully customized direct mail to a target population.

4. IMI has a number of departments, including: (1) printing, (2) envelope converting, (3) inserting (including mechanics and material handlers), (4) bindery, (5) statement processing, (6) warehousing, (7) pre-press, (8) customer service, (9) facilities, (10) human resources, (11) accounting, (12) sales, and (13) executive.

5. All of IMI's departments have hourly employees except for (11) accounting, (12) sales, and (13) executive.

6. The employees in the following departments on first shift work a daily schedule from 7:00 a.m. to 3:30 p.m.: (1) printing, (2) envelope converting, (3) inserting (including mechanics and material handlers), (4) bindery, and (6) warehousing. The working hours for each of these departments is guided by a bell that alerts employees of their working hours. A representative example of the bells guiding the first shift is as follows:

- 07:00AM start
- 09:30AM Morning break
- 09:38AM Two minute warning to return from break
- 09:40AM Morning break ends
- 11:30 AM lunch
- 11:58 AM Two minute warning to return from lunch
- 12:00 PM Lunch ends
- 02:00PM Afternoon break
- 02:08PM Two minute warning to return from break
- 02:10 PM Break ends
- 03:30PM End of shift

7. The hourly employees in the following departments work varied shifts and do not work a daily schedule guided by a bell: (7) pre-press, (8) customer service, (9) facilities, and (10) human resources.

8. IMI does not require employees to punch out for lunch; IMI requires employees to punch out only if they leave the premises.

9. The plaintiff, Joseph Roberts (hereinafter "Roberts"), is employed with IMI as an Envelope Machine Adjuster in IMI's Envelope Converting Department.

10. He was originally hired on January 31, 2014, resigned on November 11, 2014, and then was rehired on August 22, 2016.

11. Roberts is responsible for adjusting and maintaining the envelope converting equipment that produces envelopes for direct mailings.

12. The envelope converting machines must be continually adjusted and calibrated for every project; they must be constantly adjusted and maintained.

13. The position of Envelope Machine Adjuster is a highly skilled and physically demanding job that requires specialized skills and frequent physical activity.

14. IMI cannot operate its direct mail envelope production line without an Envelope Machine Adjuster.

15. Roberts was and is IMI's only Envelope Machine Adjuster as of August 2017.

16. IMI treats Roberts more favorably than all of IMI's other employees because of his technical acumen and unique skill set as an envelope machine adjuster. This is because Envelope Machine Adjusters are hard to find.

17. IMI tried to hire another qualified Envelope Machine Adjuster to help Roberts from July of 2017 to April of 2018 and was not able to find one.

18. In order to hire Roberts and incentivize him to work for IMI, IMI made many accommodations for Roberts that it did not provide to other employees. Roberts was also given more favorable treatment after he was hired because IMI did not want to risk losing him. Roberts is different from all of the other IMI employees in many ways, including the following:

<p>Schedules and Working Hours:</p> <ul style="list-style-type: none"> • Most employees in the production departments, including the envelope converting department, work from 7:00 a.m. to 3:30 p.m. • All of these employees adhere to a bell system that denotes the times allotted for breaks and lunch times. 	<ul style="list-style-type: none"> • Roberts' work day begins at 7:30 am instead of 7:00 am. • Roberts made a special request, as a condition of his employment, to start his work day at 7:30 a.m. because he did not want to wake up early to come to work at 7:00 a.m. • Due to the lack of available Envelope Machine Adjusters, IMI provided Roberts with a modified schedule as a condition of his employment.
<p>Financial Accommodations:</p> <ul style="list-style-type: none"> • All other hourly employees were paid an hourly wage less than Roberts. 	<ul style="list-style-type: none"> • Roberts is the highest paid hourly employee. • During his recruitment, IMI paid for hotel accommodations until he found permanent housing for both his original and rehire dates; IMI paid for a rental car for Roberts for 19 days; and IMI paid Roberts' moving expenses on two occasions from Missouri to Wisconsin. • IMI provided Roberts with a payroll advance for a security deposit for a rental property; Roberts agreed to reimburse the company with agreed upon deductions from his wages.
<p>Disciplinary Actions:</p> <ul style="list-style-type: none"> • IMI requires all of its employees to adhere to its attendance policy. 	<ul style="list-style-type: none"> • IMI requires Roberts to adhere to its attendance policy. • Although Roberts has a problem with punctuality, IMI does not

	<p>follow normal progressive disciplinary action due to the fact that he is the only full-time Envelope Machine Adjuster and IMI does not want to risk losing him.</p> <ul style="list-style-type: none"> • Since August of 2017, Roberts is IMI's only Machine Adjuster.
<p>Job Duties and Qualifications:</p> <ul style="list-style-type: none"> • The majority of IMI's hourly workforce constitutes semi-skilled light industrial labor. • The majority of the hourly workforce is not required to have the knowledge and ability to troubleshoot and maintain equipment. • IMI has technicians and mechanics in other departments who fill those responsibilities, although none are qualified to work on an Envelope Converting Machine. 	<ul style="list-style-type: none"> • Envelope converting equipment requires a highly knowledgeable, mechanically able employee with envelope converting machine experience to keep the machine operational and maintained due to its narrow tolerances. • Roberts has over 20 years of experience as a Machine Adjuster.
<p>Employment Dates:</p> <ul style="list-style-type: none"> • IMI's workforce has start dates that vary significantly, but many started working for IMI prior to May 4, 2016. 	<ul style="list-style-type: none"> • Roberts started working for IMI most recently on August 22, 2016.

19. IMI makes every effort to pay its employees a fair wage.

20. IMI has made and continues to make every effort to follow all wage laws in good faith and pay its employees for all hours they work.

21. In the event IMI becomes aware that an employee works outside his or her normal schedule for any reason, IMI pays the employee for all hours worked.

22. In the event an employee works in excess of forty hours in any given week, IMI pays the employee an overtime rate for all hours worked in excess of forty hours.

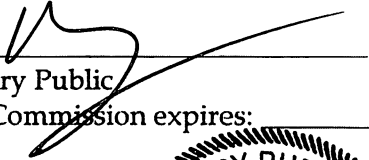
WHEREFORE, your affiant makes this affidavit on behalf of Integrated Mail Industries, Ltd.'s motion to dismiss the plaintiff's complaint.

Patricia Kingsley

Patricia Kingsley
Human Resources Manager
Integrated Mail Industries, Ltd.

AUTHENTICATED

~~Subscribed and sworn to before me~~
this May 31, 2018



Notary Public

My Commission expires: _____

